

REMARKS

Claims 17-25, 28, 29, 32-34, 36, 40 and 41 are pending in the application, claims 30 and 31 being canceled and claim 41 being added herein. Claims 1-16, 19, 26, 27, 35, and 37-40 claims were canceled previously. Claims 17 and 21 are the only independent claims.

Claim Objections

The Examiner objects to claims 20, 22 and 24 under 37 C.F.R. 1.75(cc) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

In response to the claim objections, claims 20 and 24 have been amended to depend from claim 17.

Claims Rejections - 35 U.S.C. § 103

Claims 17, 18, 20-24, 28, 29, 32, 33 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,042,573 to Lucey in view of U.S. Patent No. 5,480,410 to Cuschieri et al.

Claims 25 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,042,573 to Lucey in view of U.S. Patent No. 5,480,410 to Cuschieri et al. and further in view of U.S. Patent No. 6,238,373 to de la Torre et al.

Claims 30 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,042,573 to Lucey in view of U.S. Patent No. 5,480,410 to Cuschieri et al. and further in view of U.S. Patent No. 6,551,270 to Bimbo et al.

Claim 17 Applicant has amended claim 17 herein to provide a better definition of the invention. Applicant respectfully asserts that claim 17 as amended herein distinguishes over the combination of Lucey and Cuschieri. Specifically, claim 17 has been amended to recite that the claimed instrument holder assembly includes a plurality of cannulas that are attached to and extend from the plate member inside the wall that surrounds the plate.

As set forth in amended claim 17, an instrument holder assembly for laparoscopic surgical operations comprises a plate member having a surrounding edge and further comprises a wall surrounding the plate member, the wall being connected to the plate member all along the edge. The wall has a longitudinal axis, and the plate member extends substantially transversely to the axis. The wall extends away from the plate member at least in a direction away from a patient, thereby defining together with the plate member a cup shape on a side of the plate member opposite the patient. Plural cannulas are connected to and extend from the plate member inside said wall, the cannulas defining a plurality of separate and mutually spaced apertures for receiving respective elongate laparoscopic surgical members.

Neither Lucey nor Cuschieri et al. disclose a plurality of cannulas.

Lucey discloses a single tube (24) that is provided internally with a transversely extending bladder (23) that is pressurizable via a pump 16. The bladder has a single opening (28) that may receive a surgeon's arm or instrument shafts of different sizes. The inflatable bladder maintains pneumoperitoneum during a laparoscopic procedure. Lucey's surgical valve does not include plural cannulas connected to the bladder (23) inside the tube (24).

Cuschieri et al. disclose an extracorporeal pneumoperitoneum access device with multiple access ports. Laparoscopic instruments (or a surgeon's hand) are inserted through the access ports and through a common incision into the patient. The device of Cuschieri does not contemplate the use of cannulas. The device of Cuschieri et al. is not amendable to including cannulas. The instruments must be held at all times owing to the delicate structure of the Cuschieri laparoscopic access device. Cannulas would have to be held, as well.

Similar considerations apply to the surgical valve of Lucey. The bladder (23) of that device is not meant to have attached cannulas. The user or surgeon holds the instrument or instruments inserted through the aperture (28) instruments inserted through the aperture (28) in the bladder must be held at all times.

In summary neither of the references relied on by the Examiner discloses an instrument holder or port assembly having multiple cannulas. Neither Lucey nor Cuschieri discloses or suggests an instrument holder or port assembly having multiple cannulas connected to and extending away from a plate member surrounded by a wall member. Neither the Lucey surgical valve nor the Cuschieri pneumoperitoneum access device is suitable for the incorporation of multiple cannulas as claimed by applicant, connected to the bladder (23) of Lucey or the bubble of Cuschieri et al.

Claim 21 Applicant has also amended claim 21 herein to provide a better definition of the invention. Claim 21 has also been amended to recite that the claimed instrument holder assembly includes a plurality of cannulas that are attached to and extend from the plate member inside the wall that surrounds the plate. Applicant

respectfully asserts that claim 21 as amended herein distinguishes over the combination of Lucey and Cuschieri.

As recited in independent claim 21, an instrument holder assembly for laparoscopic surgical operations comprises a plate member having a surrounding edge, and a wall surrounding the plate member. The wall is connected to the plate member all along the edge and has a longitudinal axis, the plate member extending substantially transversely to the axis. The plate member is provided with a plurality of cannulas connected to and extending from the plate member inside the wall, the cannulas defining a plurality of separate apertures for receiving respective elongate laparoscopic surgical members. The wall has two end portions extending as endless or perimetrical flanges to the plate. The end portions of the wall extend in opposite directions away from the plate. (One flange extends inwardly towards the patient, the other flange extends outwardly away from the patient.)

Claim 21 distinguishes over Lucey and Cuschieri et al. for the reasons discussed above with reference to claim 17.

As further discussed above, the surgical valve device is not amendable to modification to incorporate multiple cannulas as claimed by applicant. It is not at all clear that multiple cannulas could be attached to the bladder (23) of the Lucey device without destroying the device's ability to achieve the purpose and function of the surgical valve.

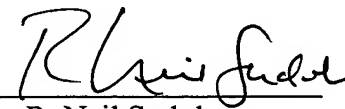
Conclusion

For the foregoing reasons, independent claims 17 and 21, as well as the claims dependent therefrom, are deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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